

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

TAPESTRY, INC.,

and

CAPRI HOLDINGS LIMITED,

Defendants.

Civil Action No. 1:24-cv-03109

**NOTICE OF DEFENDANTS TAPESTRY, INC. & CAPRI HOLDINGS  
LIMITED'S MOTION TO EXCLUDE DR. LOREN SMITH'S OPINIONS  
REGARDING AND RELYING ON HIS DIVERSION ANALYSIS**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, dated August 26, 2024, the Declaration of David L. Johnson, dated August 26, 2024, and the exhibits thereto, Defendants Tapestry, Inc. and Capri Holdings Limited move this Court, before the Honorable Jennifer L. Rochon, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 20B, New York, NY 10007, for an Order granting their Motion to Exclude Dr. Loren Smith's Opinions Regarding and Relying On His Diversion Analysis pursuant to Rule 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Dated: August 26, 2024

Respectfully submitted,

/s/ Alfred C. Pfeiffer

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<sup>1</sup> Tapestry uses electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.